IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.212 of 2007
RAMASHRAY SHARMA & ANR
Versus
PHUL DEVI & ANR
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5 **4.9.2008** Perused the office notes as also the report of the Additional District Judge-Fast Track court No.II, Aurangabad, which was sent by him on 28.8.2008 vide letter no.260.

The learned court below has expressed his inability to get the demand draft of Rs.25,000/-(Twenty-five thousand) deposited in the account of the concerned court for the reason that no such account exists there in the name of such court. Practically, this amount was deposited here by the appellant and the purpose of which was to pay this amount to the respondent-claimants in case it looses the case

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Here, since this appeal has been dismissed, so this amount should be given to the respondent.

Phul Devi, wife of Ram Swarup Mistry comes in the category of Class-I heir of her deceased daughter Soni Kumari whereas her husband Ram Swarup Chowdhury does not come in the category of Class-I heir of his daughter. So, husband Ram Swarup Chowdhury is excluded.

Let the demand draft issued in the name of the court below be cancelled and a fresh demand draft be issued in the name of Phul Devi and be sent to the court below for being handed over to Phul Devi in presence of her lawyer as also of the insurance Company. An endorsement of receiving the amount by Phul Devi bbe made in the margin of the order-sheet.

SKBOSE **(Subash Chandra Jha)**